

12/22/99
JC672 U.S. PTO

A/PLANT

Type a plus sign (+) inside this box →

Approved for use through 9/30/00. OMB 0651-0032
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PLANT PATENT
APPLICATION (35 U.S.C. 161)
DECLARATION
(37 CFR 1.63)**

Declaration Submitted with Initial OR Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number		
First Named Inventor	Cecil T. Pounders, Jr.	
COMPLETE IF KNOWN		
Application Number	1	
Filing Date	12-10-1999	
Group Art Unit		
Examiner Name		

As a below named Inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole Inventor (if only one name is listed below) or an original, first and joint Inventor (if plural names are listed below) of the new and distinct variety of:

Ilex

plant named: Xia Yen

which is claimed and for which a plant patent is sought, the specification of which

is attached hereto OR was filed on (MM/DD/YYYY) _____ as United States

Application Number _____ and was amended on (MM/DD/YYYY) _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claim, as amended by any amendment specifically referred to above.

I have accurately reproduced the plant to which this application applies.

Said plant was found in a cultivated area (check this box for newly found plant only)

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or Inventor's certificate, or 365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or Inventor's certificate, or of any PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Check Only If Priority Not Claimed	Certified Copy Attached? YES	Certified Copy Attached? NO

Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)

Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

jc675 U.S. PTO
09/468889
12/22/99

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL

TOTAL AMOUNT OF PAYMENT (\$ 265)

Complete if Known

Application Number	12-10-1999
Filing Date	12-10-1999
First Named Inventor	Cecil T. Pounds, Jr.
Group Art Unit	
Examiner Name	
Attorney Docket Number	

METHOD OF PAYMENT (check one)

1. The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:Deposit Account Number Deposit Account Name

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 Charge the Issue Fee Set in 37 CFR 1.18 at the Mailing of the Notice of Allowance, 37 CFR 1.311(b)

2. Payment Enclosed:

Check Money Order Other

FEE CALCULATION (fees effective 10/01/96)

1. FILING FEE

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
101	770	201	385	Utility filing fee	<input type="text"/>
106	320	206	160	Design filing fee	<input type="text"/>
107	530	207	265	Plant filing fee	<input checked="" type="text"/>
108	770	208	385	Reissue filing fee	<input type="text"/>
114	150	214	75	Provisional filing fee	<input type="text"/>

SUBTOTAL (1) (\$ 265)

2. CLAIMS

	Extra	Fee from below	Fee Paid
Total Claims	-20 =	<input type="text"/> X <input type="text"/> =	<input type="text"/>
Independent Claims	- 3 =	<input type="text"/> X <input type="text"/> =	<input type="text"/>
Multiple Dependent Claims		<input type="text"/> X <input type="text"/> =	<input type="text"/>

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description
103	22	203
102	80	202
104	260	204
109	80	209
110	22	210
		11
		Claims in excess of 20
		Independent claims in excess of 3
		Multiple dependent claim
		Reissue independent claims over original patent
		Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

SUBTOTAL (3) (\$)

Reduced by Basic Filing Fee Paid

SUBMITTED BY

Typed or Printed Name

Cecil T. Pounds, Jr.

Complete (if applicable)

Reg. Number

Signature

Cecil T. Pounds, Jr.

Date 12-10-99

Deposit Account User ID

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Please type a plus sign (+) inside this box →

PTO/SB/20 (8-96)

Approved for use through 9/30/98. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PLANT COLOR CODING SHEET <small>(to be used for new applications only)</small>				Attorney Docket Number	
				First Named Inventor	<i>Cecil T. Pounders, Jr.</i>
				FOR OFFICIAL USE ONLY	
Sheet	1	of	1	Date of Receipt	
				Application Number	

PLEASE LIST THE ITEM TO WHICH COLOR IS A DISTINGUISHING FEATURE, THE COLOR CODE WHICH BEST REPRESENTS THAT PLANT STRUCTURE AND THE COLOR CODE SYSTEM.

ITEM	COLOR
Upper Leaf Surface	Green Group 137A
Lower Leaf Surface	Green Group 138B
Leaf Petiole	Greyed Red Group 178B
Young Stems	Greyed Purple 187A
Mature Stems	Greyed Green 197A
Bark of Trunks	Black Group 202D
Flowers	Orange White 154D
Fruit Color	Red Group 46B

COLOR CODE SYSTEM: *R.H.S. Colour Chart of Royal Hort. Soc.*

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.